

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

DAVID VOYLES,)
)
Plaintiff,)
)
v.) No. 1:07CV42 LMB
)
)
MARK DOBBS,)
)
Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court upon the motion of plaintiff for appointment of counsel. The motion shall be denied.

Plaintiff filed this civil rights action pursuant to 42 U.S.C. § 1983 alleging a denial of adequate medical treatment for his blood pressure condition. Named as a defendant is Mark Dobbs, the Sheriff of Butler County, the individual plaintiff believes withheld his blood pressure medication for a ten day period of his incarceration.

Plaintiff requests the assistance of appointed counsel because he believes that he has “no legal experience to represent [his] case to a jury.” As noted in the Court’s June 20, 2007 Order, there is no constitutional or statutory right to appointed counsel in civil cases. Nelson v. Redfield Lithograph Printing, 728 F.2d 1003, 1004 (8th Cir. 1984). Rather, in determining whether to appoint counsel, the Court considers several factors, including (1) whether the plaintiff has presented non-frivolous allegations

supporting his or her prayer for relief; (2) whether the plaintiff will substantially benefit from the appointment of counsel; (3) whether there is a need to further investigate and present the facts related to the plaintiff's allegations; and (4) whether the factual and legal issues presented by the action are complex. See Johnson v. Williams, 788 F.2d 1319, 1322-23 (8th Cir. 1986); Nelson, 728 F.2d at 1005.

After considering these factors, the Court again finds that the facts and legal issues involved are not so complicated that the appointment of counsel is warranted at this time.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for appointment of counsel [Doc. #18] is **DENIED**.

Dated this 2nd Day of January, 2008.



UNITED STATES MAGISTRATE JUDGE